

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 6459 of 2006(R)

PETITIONER:

K.SANDHYA, `NIRMALYAM',
(VILLADATH HOUSE), P.O.VENGANELLUR,
CHELAKKARA, THRISSUR-680 586 (GUEST LECTURER
(PHYSICS) N.S.S. COLLEGE, OTTAPALAM).

BY ADV. SRI.ALEX VARGHESE

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM.
2. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, THRISSUR.
3. THE PRINCIPAL, N.S.S.COLLEGE,
OTTAPALAM-679 103.
4. THE SECRETARY, N.S.S.COLLEGES CENTRAL
COMMITTEE, CHANGANACHERRY.

BY ADV. SRI.P.G.PARAMESWARA PANICKER (SR.)
SRI.P.GOPAL
GOVERNMENT PLEADER SMT.K.R.DEEPA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF ORDER NO.A/8371/01 DT. 13.11.2001 ISSUED BY THE 4TH RESPONDENT.

EXT.P2 : TRUE COPY OF ORDER NO.F/5267/5/03 DATED 2.6.2003 ISSUED BY THE 4TH RESPONDENT.

EXT.P3 : TRUE COPY OF GO(MS) NO.1/2003/G.EDN. DT. 1.1.2003 ISSUED BY THE GENERAL EDUCATION (T) DEPARTMENT.

EXT.P4 : TRUE COPY OF REPRESENTATION DT. 22.9.2004 FILED BY THE PETITIONER BEFORE THE THIRD RESPONDENT.

EXT.P5 : TRUE COPY OF ORDER NO.A3/27/04 DT. 5.11.2004 ISSUED BY 3RD RESPONDENT.

EXT.P6 TRUE COPY OF REPRESENTATION DT. 10.10.2005 FILED BY THE PETITIONER BEFORE THE THIRD RESPONDENT.

EXT.P7 TRUE COPY OF ORDER NO.C1-MISC/05 DT,. 19.10.2005 PASSED BY THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS :

EXT.R4A TRUE COPY OF THE WORKLOAD STATEMENT ISSUED BY THE DIRECTOR OF COLLEGIATE EDUCATION FOR THE YEAR 2001-02.

EXT.R4B TRUE COPY OF THE REVISED WORKLOAD STATEMENT DT. 16.10.2003.

EXT.R4C TRUE COPY OF THE OBJECTION OF THE DIRECTOR OF COLLEGIATE EDUCATION DT. 25.5.2004.

EXT.R4D TRUE COPY OF THE MINUTES ALONG WITH LETTER DT. 18.3.2006.

TGS

KURIAN JOSEPH, J.

W.P.(C) No.6459 of 2006

Dated 2nd April, 2007.

J U D G M E N T

Petitioner is aggrieved since he is denied the salary for the period from 2.6.2003 to 31.3.2004 in the post of Guest Lecturer under the 4th respondent. It is seen from the additional counter affidavit filed by the 4th respondent that the Government has passed a revised order dated 10.8.2006 in the matter of fixation of staff strength. It is fairly clear that the second respondent will have to pass fresh orders in the light of the said Government Order. Accordingly, the impugned orders are quashed to the extent of the involvement of the petitioner, with a direction to the second respondent to look into the case of the petitioner afresh in the light of the Government Order referred to above, and take appropriate action in accordance with law in the matter, within a period of two months from the date of production of a copy of the judgment, with notice to the petitioner and the 4th respondent. Needless to say that in view of the Government Order as above, the earlier orders passed by the Director of Collegiate Education shall not stand in the way of the second

respondent passing orders as above. The consequential benefits to which the petitioner is found eligible shall also be disbursed within another one month.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 2nd April, 2007.